

City of Grants Pass Municipal Code



This Chapter has been adopted by Ordinance 4444 §1, 1982

Chapter 6.36

ENCROACHMENT ORDINANCE

Sections:

- 6.36.010 General Definitions.
- 6.36.020 Permit Required.
- 6.36.030 Application in Writing.
- 6.36.040 Blanket Permits.
- 6.36.050 Issuance Fee Exemption.
- 6.36.060 Plans and Specifications.
- 6.36.070 Safety Devices, Lights, Barricades.
- 6.36.080 Denial of Permits.
- 6.36.090 Cancellation of Permits.
- 6.36.100 Restoration of Right-Of-Way.
- 6.36.110 Permittee Awareness and Liability.
- 6.36.120 Permittee to Pay for All Costs.
- 6.36.130 Special Provisions for Construction and Encroachment Permits.
- 6.36.140 Deposit Required.
- 6.36.150 Insurance.
- 6.36.160 Planting in Right-Of-Way.
- 6.36.170 Sight Distance.
- 6.36.180 Violations. (Ord. 4832 §3, 1995)
- 6.36.200 Appeal.

6.36.010 General Definitions.

- A. "Encroachment" means the work of construction, placing, or installation of any improvement, plant, or other matter within, over, or under the right-of-way.
- B. "Right-Of-Way" means any land or interest therein which by deed, conveyance, agreement, dedication, usage, or other process of law has been reserved for or dedicated to the City for use of the general public.
- C. "Permittee" means any person who proposes to encroach upon a right-of-way and has been issued a permit.
- D. "Director" means Director of the Community Development Department or his designated representative.

City of Grants Pass Municipal Code



- E. "Fee" means the issuance and encroachment fees established by City Council that are required prior to issuance of a permit.

6.36.020 Permit Required.

Every person except as otherwise provided in this ordinance shall obtain a permit from the Community Development Department before he:

- A. Makes or causes to be made any excavating or encroachment in any road, street, or City right-of-way.
- B. Places, constructs, or repairs any curb, gutter, sidewalk, driveway, pavement, base course, retaining wall, storm drain, culvert, pipe, conduit, cable, or other work of similar nature in, over, along, across, or through any street.
- C. Places or leaves any impediment to travel upon any street, including trash or debris.
- D. Erects or maintains any post, pole, fence, guardrail, wall, loading platform, or any other structure on, over, under, or within a right of way.
- E. Plants or removes any tree, shrub, or growing thing within a right-of-way.
- F. Places tables and chairs within the right of way in the Central Business District. The permit issued shall be in the form of a sidewalk café permit as set forth in Title 6, Chapter 6.47 of the Municipal Code. (Ord 5410 §1, 2007).

6.36.030 Application in Writing.

Application for a permit shall be made in writing to the City on the forms provided by the Community Development Department. By accepting this permit, the permittee agrees to be bound by all the terms and conditions set forth in the permit and in this ordinance.

6.36.040 Blanket Permits.

Blanket permit authorizations may be issued to any municipal utility district or public utility, subject to the compliance with all applicable provisions of this ordinance. The issuance of a Blanket permit authorization does not relieve the permittee from making such reports of activity as may be required and for paying for repairs and other costs incurred by the City due to the permittee's activity.

Title 6 Last Revised 08/15/07

City of Grants Pass Municipal Code



Blanket permit authorizations shall be limited to utility service installations including bore pits not exceeding three feet in width and length, installed at a right angle to the centerline of the road, or an excavation not exceeding thirty square feet in area outside the existing street surface, curbs, gutters and sidewalks, or repairs to poles, work on overhead lines or work in existing manholes, and emergency repairs. Two-way traffic shall be maintained at all times. (Ord. 5085 §1, 2001)

6.36.050 Issuance Fee Exemption.

The following shall be exempt from paying the issuance fee: The United States, this State, this County, all departments of this City, any school district, public utilities holding franchise with the City, and any special district organized under state laws. The Director may grant a permit without issuance fee if the work to be done has been requested by the City in connection with proposed public works.

6.36.060 Plans and Specifications.

All work shall be performed in accordance with the latest edition of the standard specifications for public works construction, including revisions or in accordance with the plans and specifications referred to in the permit, in addition to any special requirements and/or specifications which are made a part of the permit. In case of conflict between two specifications the higher specifications shall apply. No changes may be made in the location, dimensions, character, or duration of the encroachment, or use as granted by the permit except on authorization by the Director or his representative.

6.36.070 Safety Devices, Lights, Barricades.

In the conduct of the encroachment work, supplies and excavated material shall be properly placed and the permittee shall provide and maintain such safety devices, including but not limited to lights, barricades, signs, and flagmen as are necessary to protect the public and as ordered by the Director or his agents.

If the Director finds that suitable safeguards are not being provided, or that the permittee is creating a nuisance, he may provide, maintain, and relocate such safety devices or take such action as is deemed necessary, charging the permittee in accordance with the schedule of charges as adopted by the City.

6.36.080 Denial of Permits.

The Director may refuse to issue a permit under the following conditions:

- A. When he finds that it is not in the best interest of the general public to do

Title 6 Last Revised 08/15/07

City of Grants Pass Municipal Code



so.

- B. When he finds that it will be detrimental to the public health, safety, or welfare.

6.36.090 Cancellation of Permits.

The Director may cancel a permit for any of the following reasons:

- A. When permitted work is not started within the time specified and/or is started, but not diligently prosecuted to completion.
- B. By failure on the part of the permittee to provide for the public's safety.
- C. By failure on the part of the permittee to comply with all of the requirements of the permit.
- D. By creating a nuisance.
- E. For cause.

6.36.100 Restoration of Right-Of-Way.

Upon completion of the encroachment work authorized, the permittee shall restore the right-of-way including all structures thereof by replacing, or rebuilding it in accordance with the specifications or any special requirements, but not less than to its original condition before the encroachment work was commenced. Where excavation occurs within areas already paved, a temporary paving shall be installed the same day the excavation is made. When replacing permanent pavement the thickness shall be one inch greater than that of the surrounding pavement or surface. The base course removed shall be replaced to a minimum of 12-inch thickness. When the street surface has been treated with a seal and/or slurry, the surface shall be replaced with 3-inch minimum of asphalt concrete.

6.36.110 Permittee Awareness and Liability.

The permittee shall investigate and be aware of all existing facilities and shall not interfere with any existing public or private facility without the consent of its owner. If it becomes necessary to relocate an existing facility, this shall be done by its owner or to the satisfaction of its owner. The cost of moving publicly and privately owned facilities shall be borne by the permittee. The permittee shall support and protect all wires, cables, pipes, conduits, poles and other apparatus both aerial and underground, by a method satisfactory to the owner.

City of Grants Pass Municipal Code



6.36.120 Permittee to Pay for All Costs.

The permittee is liable for and shall pay for all engineering costs related to the permit, including but not restricted to the following:

- A. The permit issuance fee;
- B. Engineering, which includes design, inspection, survey, and tests;
- C. Cost of any inspection, transportation, or for tests made;
- D. The cost of repairing or restoring the streets and all appurtenant facilities to the same or equal condition that they were in before cut or damaged as a result of the permittee's activities;
- E. The cost of furnishing and/or maintaining any lights, barricades, or warning devices;
- F. The cost of removing or remedying any hazardous condition;
- G. Any other cost to the City caused by the permittee's activity.

6.36.130 Special Provisions for Construction and Encroachment Permits.

The following applies to permits for the laying, construction, reconstruction, or repairing of curbs, sidewalks, gutters, driveways, street surfaces, and pipes. Driveways, approaches, sidewalks, curbs, and gutters shall be constructed of 217# cement (52 sack) 2500# concrete.

- A. Driveways shall not be constructed in such a manner that will prevent a vehicle from being parked entirely off the public right-of-way after entering such driveway. The design of driveways shall be in accordance with City standards, as approved by the City Council. The minimum intervening distances between the side slopes or returns of adjacent driveways serving the same lot shall be twenty-two feet. Adjacent driveways serving two adjoining lots shall have at least one foot between the side slopes. Residential driveway approach, including the side slopes, shall not be located closer than 20 feet to the intersecting street right-of-way line. Commercial or service driveways shall not be more than 35 feet in width. In the case of a corner lot service drives, including the side slopes, shall not be closer than 20 feet to the intersecting street right-of-way line. Driveway approaches shall be a minimum of six inches thick. When a driveway is relocated, the abandoned existing driveway approach shall be removed and replaced with a standard curb section at the permittee's expense.

City of Grants Pass Municipal Code



- B. Sidewalks. Residential sidewalks shall be 5 feet wide, scored at 5 feet intervals and shall be 4 inches thick with a cross-slope of one-fourth inch to the foot. The cross-slope extended shall meet the top of the curb. Sidewalks shall be located adjacent to the back of curb, unless otherwise approved by the Director. Commercial sidewalks shall be four inches thick and as approved by the Community Development Department.
- C. Plans. If in the opinion of the Community Development Department Director the work proposed to be done requires the making of plans or the setting of stakes, or both, he may require the application be accompanied by the necessary plans, which plans shall be prepared by a competent engineer.
- D. Equipment. No tract laying equipment of any kind shall be permitted on any paved area unless equipped with street pads. Any damage to curbs, sidewalks, driveways, etc., shall be the responsibility of the permittee and shall be repaired to the satisfaction of the Director.
- E. Open Trench. No open trench shall be opened in excess of one day's work.
- F. Drainage. The permittee shall provide for proper drainage when encroachment work interferes with established drainage.
- G. Services. Laterals, services, and other small diameter pipes shall be jacked, bored, or driven beneath a paved surface unless other methods are approved by the Director.
- H. Minimum Cover. The minimum cover over any pipe or conduit installed under any public street shall be 30 inches measured vertically from the existing or proposed flow line of the nearest gutter.
- I. Backfilling and Compacting. Backfilling and compacting of an excavation shall be in accordance with standards established by the Community Development Department and shall commence within 48 hours after working trench is completed.
- J. Cleanup. Immediately after completion of the work the permittee shall clean up and remove all materials, earth, and debris of any kind.
- K. Cutting Pavement. All concrete and pavement removed within the right-of-way shall be saw cut or otherwise removed so as to provide a uniform, smooth joint.

City of Grants Pass Municipal Code



6.36.140 Deposit Required.

All applicants for such public improvements exceeding in valuation the sum of \$1,000,000 shall file with the City a certified check, cash, or bond in the amount of 50% of the estimated cost of improvement, or a sum to be fixed by the Community Development Department Director as sufficient to reimburse the City for restoring the right-of-way to its original condition, or for correcting any condition arising out of any failure of the permittee to comply with any or all conditions of the permit. Where the size and nature of the project warrant, the Director may require an additional deposit of \$500 to indemnify and reimburse the City for work done by or for the City in correcting traffic hazards, unsafe conditions, or unacceptable nuisances.

6.36.150 Insurance.

The applicant shall deposit with the City Finance Director a certificate of comprehensive public liability insurance covering the work to be done. Said policy shall be in the limits of not less than \$300,000 for any one occurrence, \$100,000 for any one person, and \$50,000 property damage. This policy shall protect and save harmless the City, its officers, and employees against any and all claims, demands, or judgments. The policy shall further provide that the applicant and his insurance company shall defend and pay all costs of defending the City, its officers and employees, and any suit or action or other proceeding which may be filed against them, or any of the, as a result of the applicant's work and activities.

6.36.160 Planting in Right-Of-Way.

It is permissible to plant and maintain a lawn or similar ground cover not prohibited by law within the right-of-way of a public right-of-way without a permit. However, the lawn or similar ground cover shall not extend into the traveled way of the public highway nor into the drainage ditches, gutters, or other improved facilities.

6.36.170 Sight Distance.

No hedge, shrub, or other planting and no fence or other structure shall be planted, erected, or maintained in a right-of-way without a permit, upon any sidewalk or shoulder, or in such a manner which impedes, obstructs, denies, or impairs the sight distance for safe pedestrian or vehicular traffic.

6.36.180 Violations.

Every person, firm corporation, or other entity who performs any work regulated by this Ordinance, either without first obtaining a permit or having a permit, fails

Title 6 Last Revised 08/15/07

City of Grants Pass Municipal Code



or refuses to comply with any applicable provisions of this Ordinance or with any condition of the permit, shall be deemed in violation of this Ordinance. Any person who starts or performs any work regulated by this Ordinance without first obtaining a permit shall be charged double the established fees.
(Ord. 4832 §3, 1995)

6.36.200 Appeal.

Any person aggrieved by the refusal or revocation of a permit may appeal to the City Council within 30 days after the date of such action. The appeal shall be in the form of a written notice filed with the City Manager and signed by the applicant.